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Fifty-fifth session
Agenda item 155

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the provisional agenda of the fifty-fifth session of the General Assembly in accordance with Assembly resolution 53/96 of 8 December 1998.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 13th, 27th and 28th meetings, on 20 October and on 13 and 14 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.13, 27 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/55/173 and Corr.1 and 2 and Add.1);

(b) Letter dated 15 September 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/55/398-S/2000/883).

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II. Consideration of draft resolution A/C.6/55/L.15

5. At the 27th meeting, on 13 November, the representative of Sweden, on behalf of Argentina, Australia, Belgium, Bulgaria, Cameroon, Canada, Cyprus, the Czech Republic, Denmark, Germany, Greece, Hungary, Iceland, Italy, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Swaziland, Sweden, the former Yugoslav Republic of Macedonia and Ukraine, subsequently joined by Angola, Austria, Bolivia, Chile, Costa Rica, Croatia, Finland, Guinea, Kenya, the Netherlands, the Republic of Moldova, the Russian Federation, South Africa, Spain and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/55/L.15).

6. At its 28th meeting, on 14 November, the Committee adopted draft resolution A/C.6/55/L.15 without a vote (see para. 8).

7. After the adoption of the draft resolution, the representative of Israel made a statement in explanation of position (see A/C.6/55/SR.28).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994, 51/155 of 16 December 1996 and 53/96 of 8 December 1998,

Having considered the report of the Secretary-General[1] on the status of the Protocols[2] Additional to the Geneva Conventions of 1949[3] and relating to the protection of victims of armed conflicts,

Thanking Member States and the International Committee of the Red Cross for their contribution to the report of the Secretary-General,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the possibility of making use of the International Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I, and recalling that the International Fact-Finding Commission may, where necessary,

[1] A/55/173, Corr.1 and 2 and Add.1.

[2] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[3] Ibid., vol. 75, Nos. 970-973.

facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and the Protocol,

Stressing also the need for consolidating the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions of 1949 and the two Additional Protocols,

Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions of 1949 and the two Additional Protocols,

Recalling that the twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the recommendations of the Intergovernmental Group of Experts on the Protection of War Victims, including the recommendation that the depositary of the Geneva Conventions of 1949 should organize periodic meetings of States parties to the Conventions to consider general problems regarding the application of international humanitarian law,

Welcoming the adoption of a Second Protocol[4] to the 1954 Hague Convention[5] for the Protection of Cultural Property in the Event of Armed Conflict, in The Hague on 26 March 1999,

Noting the celebration in 1999 at The Hague and at St. Petersburg of the centennial of the first International Peace Conference which highlighted the importance of the Geneva Conventions for the protection of victims of armed conflicts and their additional Protocols,

Acknowledging the fact that the Rome Statute of the International Criminal Court, adopted on 17 July 1998,[6] includes the most serious crimes of international concern under international humanitarian law, and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Noting that international humanitarian law has been an important topic in the United Nations Decade for International Law, which came to an end in 1999, fifty years after the adoption of the Geneva Conventions, and acknowledging the usefulness of discussing in the General Assembly the status of international humanitarian law instruments relevant to the protection of victims of armed conflicts,

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[4] United Nations Educational, Scientific and Cultural Organization document HC/1999/7.

[5] United Nations, *Treaty Series*, vol. 249, No. 3511.

[6] A/CONF.183/9.

1. *Appreciates* the virtually universal acceptance of the Geneva Conventions of 1949,[3] and notes the trend towards a similarly wide acceptance of the two additional Protocols of 1977;[4]

2. *Appeals* to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. *Calls upon* all States that have not yet done so to consider becoming parties to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. *Calls upon* all States parties to the additional Protocols to ensure their wide dissemination and full implementation;

6. *Notes with appreciation* the Plan of Action adopted by the twenty-seventh International Conference of the Red Cross and Red Crescent, in particular the reiteration of the importance of universal adherence to treaties on humanitarian law and their effective implementation at the national level;

7. *Affirms* the necessity of making the implementation of international humanitarian law more effective;

8. *Welcomes* the advisory service activities of the International Committee of the Red Cross in supporting efforts undertaken by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments;

9. *Welcomes* the increasing numbers of national commissions or committees for the implementation of international humanitarian law and for promoting the incorporation of such treaties into national law and disseminating the rules of international humanitarian law;

10. *Welcomes* the adoption of the Optional Protocol[7] to the Convention on the Rights of the Child[8] on the involvement of children in armed conflicts;

11. *Requests* the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on the status of the additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

12. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

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[7] Resolution 54/263, annex I.

[8] Resolution 44/25, annex.

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Agenda item 156

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 53/97 of 8 December 1998.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 10th, 26th and 28th meetings, on 18 October and on 10 and 14 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.10, 26 and 28).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Reports of the Secretary-General (A/55/164 and Add.1-3 and A/INF/54/5 and Add.1 and 2);

(b) Letter dated 18 July 2000 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General, transmitting the Miyazaki Initiatives for Conflict Prevention adopted on 13 July 2000 by the Ministers for Foreign Affairs of the Group of Eight (A/55/161-S/2000/714).

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II. Consideration of draft resolution A/C.6/55/L.8 and Corr.1

5. At the 26th meeting, on 10 November, the representative of Finland, on behalf of Argentina, Austria, Bolivia, Bulgaria, Burkina Faso, Canada, Chile, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Lesotho, Malta, the Netherlands, Norway, Poland, Romania, the Russian Federation, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia and Zimbabwe, subsequently joined by Azerbaijan, Belgium, Nigeria, the Republic of Moldova and Thailand, introduced a draft resolution entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/55/L.8 and Corr.1).

6. At its 28th meeting, on 14 November, the Committee adopted draft resolution A/C.6/55/L.8 and Corr.1 without a vote (see para. 8).

7. Before the adoption of the draft resolution, the representative of Mexico made a statement in explanation of position (see A/C.6/55/SR.28).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the reports of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

Recalling the Security Council resolutions and statements by the President of the Security Council in relation to flagrant violations of the protection, security and

[1] A/55/164 and Add.1-3 and A/INF/54/5 and Add.1 and Add.2.

safety of diplomatic and consular missions and representatives, as well as missions and representatives of international intergovernmental organizations and officials of such organizations,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the diplomatic or consular functions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. *Takes note* of the reports of the Secretary-General;[1]

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Also strongly condemns* the recent acts of violence against such missions, representatives and officials, referred to in relevant reports under this item;

4. *Urges* States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

5. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

6. *Recommends* that States should cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety

of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

7. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

8. *Recommends* that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

9. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

10. *Also calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

11. *Requests* all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

12. *Requests* the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 11 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

13. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

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Fifty-fifth session
Agenda item 157

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/101 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its fifty-fifth session and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 30th and 31st meetings, on 15 and 16 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/54/SR.30 and 31).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/55/298);

(b) Report of the Chairman of the Working Group of the Sixth Committee (A/C.6/55/L.12).

5. The General Assembly, in its resolution 54/101, had decided that the open-ended working group of the Sixth Committee established under resolution 53/98 would continue its work at the fifty-fifth session of the General Assembly to consider the future form of, and outstanding substantive issues related to, the draft

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articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session.[1]

6. At its 2nd meeting, on 25 September, the Sixth Committee elected Gerhard Hafner (Austria) as Chairman of the Working Group. The Working Group held six meetings, from 6 to 10 November.

7. At the 30th meeting, on 15 November, the Chairman of the Working Group presented an oral report on the work accomplished by the Working Group (see A/C.6/55/SR.30).

II. Consideration of draft resolution A/C.6/55/L.19

8. At the 30th meeting, on 15 November, the representative of Germany, on behalf of Austria, Belgium, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, France, Germany, Greece, Lesotho, Nigeria, Poland and Sierra Leone, subsequently joined by Bulgaria, Chile, the Czech Republic, Ecuador, Finland, Georgia, Guatemala, Hungary, Ireland, Italy, Japan, Malta, the Netherlands, Peru, Portugal, Romania, Slovakia, Spain, the Sudan, Uganda and Ukraine, introduced a draft resolution entitled "Convention on jurisdictional immunities of States and their property" (A/C.6/55/L.19 and orally revised operative paragraph 3 by inserting the words "the work done" after the words "to further".

9. At the 31st meeting, on 16 November, the Secretary of the Committee made a statement on the conference-servicing implications of the draft resolution. The representative of Canada made a statement prior to the adoption of the draft resolution (see A/C.6/55/SR.31).

10. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.19, as orally revised, without a vote (see para. 11).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on jurisdictional immunities of States and their property

The General Assembly,

Recalling its resolution 54/101 of 9 December 1999,

Having considered the report of the Working Group on Jurisdictional Immunities of States and Their Property of the International Law Commission, set

[1] *Yearbook of the International Law Commission, 1991*, vol. II, Part Two (United Nations publication, Sales No. E.93.V.9 (Part 2)), document A/46/10, chap. II, para. 28.

forth in the annex to the report of the Commission on the work of its fifty-first session,[2]

Having considered also the reports presented to the Sixth Committee by the Chairman of the open-ended working group of the Committee established under resolutions 53/98 of 8 December 1998[3] and 54/101,[3]

Having considered further the report of the Secretary-General,[4]

1. *Takes note with appreciation* of the report of the Working Group on Jurisdictional Immunities of States and Their Property of the International Law Commission, set forth in the annex to the report of the Commission on the work of its fifty-first session;[2]

2. *Urges* States, if they have not yet done so, to submit their comments to the Secretary-General in accordance with General Assembly resolution 49/61 of 9 December 1994, and also invites States to submit in writing to the Secretary-General, by 1 August 2001, their comments on the reports of the Working Group;[3]

3. *Decides* to establish an ad hoc Committee on Jurisdictional Immunities of States and Their Property, open also to participation by States members of the specialized agencies, to further the work done, consolidate areas of agreement and resolve outstanding issues with a view to elaborating a generally acceptable instrument based on the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission at its forty-third session,[5] and also on the discussions of the open-ended working group of the Committee established under resolutions 53/98 and 54/101 and their results;[6]

4. *Decides* that the ad hoc Committee will meet for two weeks in March 2002;

5. *Also decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Convention on jurisdictional immunities of States and their property".

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[2] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 10* and corrigenda (A/54/10 and Corr.1 and 2).

[3] See A/C.6/54/L.12 (see also *Official Records of the General Assembly, Fifty-fourth Session, Sixth Committee*, 30th meeting (A/C.6/54/SR.30) and corrigendum) and A/C.6/55/L.12 (see also *Official Records of the General Assembly, Fifty-fifth Session, Sixth Committee*, 30th meeting (A/C.6/55/SR.30)).

[4] A/55/298.

[5] *Yearbook of the International Law Commission, 1991*, vol. II, Part Two (United Nations publication, Sales No. E.93.V.9 (Part 2)), document A/46/10, chap. II, para. 28.

[6] See A/C.6/54/L.12 and A/C.6/55/L.12.

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Report of the United Nations Commission on International Trade Law on the work of its thirty-third session

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-third session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 3rd, 4th, 24th and 25th meetings, on 9 and 10 October and on 3 and 8 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.3, 4, 24 and 25).

3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its thirty-third session.[1]

4. At the 3rd meeting, on 9 October, the Chairman of the United Nations Commission on International Trade Law at its thirty-third session introduced the report of the Commission on the work of that session (see A/C.6/55/SR.3).

5. At the 4th meeting, on 10 October, the Chairman of the Commission made a statement in the light of the debate (see A/C.6/55/SR.4).

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 17* (A/55/17).

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II. Consideration of draft resolution A/C.6/55/L.5

6. At the 24th meeting, on 3 November, the representative of Austria, on behalf of Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, India, Indonesia, the Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, the Netherlands, New Zealand, Nigeria, Norway, Peru, the Philippines, Poland, Portugal, Romania, the Russian Federation, Rwanda, San Marino, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, subsequently joined by Belarus, Bolivia, Botswana and Saudi Arabia, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-third session" (A/C.6/55/L.5).

7. At its 25th meeting, on 8 November, the Committee adopted draft resolution A/C.6/55/L.5 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the United Nations Commission on International Trade Law on the work of its thirty-third session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Emphasizing the need for higher priority to be given to the work of the Commission in view of the increasing value of the modernization of international trade law for global economic development and thus for the maintenance of friendly relations among States,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the Commission on the work of its thirty-third session,[2]

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Stressing the importance of the further development of the case law on United Nations Commission on International Trade Law texts in promoting the uniform application of the legal texts of the Commission and its value for government officials, practitioners and academics,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its thirty-third session;[2]

2. *Commends* the Commission for the work on privately financed infrastructure projects, which culminated in the adoption of the UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects, as well as the important progress made in its work on receivables financing;

3. *Appeals* to Governments that have not yet done so to reply to the questionnaire circulated by the Secretariat in relation to the legal regime governing the recognition and enforcement of foreign arbitral awards and, in particular, to the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958;[3]

4. *Invites* States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector;

5. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

6. *Also reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

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[2] Ibid.

[3] United Nations, *Treaty Series*, vol. 330, No. 4739.

7. *Expresses the desirability* for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and, in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Brazil, Cameroon, Côte d'Ivoire, Madagascar, Peru, the Russian Federation and South Africa;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

8. *Appeals* to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

9. *Appeals* to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

10. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-fifth session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. *Requests* the Secretary-General to strengthen the secretariat of the Commission within the bounds of the resources available so as to ensure and enhance the effective implementation of the programme of the Commission;

12. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions;

13. *Requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on the implications of increasing the membership of the Commission, and invites Member States to submit their views on this issue;

14. *Expresses its appreciation* to Gerold Herrmann, Secretary of the United Nations Commission on International Trade Law since 1991, who will retire on 31 January 2001, for his outstanding and devoted contribution to the process of unification and harmonization of international trade law in general and to the Commission in particular.

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Agenda item 159

Report of the International Law Commission on the work of its fifty-second session

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Report of the International Law Commission on the work of its fifty-second session" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/111 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 14th to 24th and 30th meetings, on 23, 24, 25 and 27 October and 1, 2, 3 and 15 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.14-24 and 30).

4. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its fifty-second session.[1]

5. The Chairman of the International Law Commission at its fifty-second session introduced the report of the Commission: chapters I to IV at the 14th meeting, on 23 October; chapters V and VI at the 18th meeting, on 27 October; and chapters VII to IX at the 22nd meeting, on 1 November (see A/C.6/55/SR.14, 18 and 22). At the 24th meeting, on 3 November, the Chairman of the Commission made a statement in the light of the debate (see A/C.6/55/SR.24).

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 10* (A/55/10).

00-77109 (E) 051200

II. Consideration of draft resolution A/C.6/55/L.6 and Corr.1

6. At the 30th meeting, on 15 November, the representative of Colombia introduced a draft resolution entitled "Report of the International Law Commission on the work of its fifty-second session" (A/C.6/55/L.6 and Corr.1).

7. At the same meeting, the Committee also had before it a statement of the programme budget implications of draft resolution A/C.6/55/L.6 and Corr.1, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.6/55/L.21).

8. Also at the same meeting, the Committee adopted draft resolution A/C.5/55/L.6 and Corr.1 without a vote (see para. 10).

9. Before the adoption of the draft resolution, the representative of Chile made a statement in explanation of position (see A/C.6/55/SR.30).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its fifty-second session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifty-second session,[2]

Emphasizing the importance of furthering the codification and progressive development of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to further enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

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[2] Ibid.

[3] Resolution 2625 (XXV), annex.

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of governmental representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

1. *Takes note* of the report of the International Law Commission on the work of its fifty-second session;[2]

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its fifty-second session, in particular with respect to "State responsibility", and encourages the Commission to complete its work on this topic during its fifty-third session, taking into account the views expressed by Governments during the debates in the Sixth Committee at the fifty-fifth session of the General Assembly, and any written comments that may be submitted by 31 January 2001;

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report;

4. *Reiterates its invitation* to Governments, within the context of paragraph 3 above, to respond, to the extent possible, in writing by 28 February 2001 to the questionnaire and requests for materials on unilateral acts of States circulated by the Secretariat to all Governments on 30 September 1999 and 2 October 2000;

5. *Also reiterates its invitation* to Governments to submit the most relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist the International Law Commission in its work on the topic "Diplomatic protection";

6. *Recommends* that, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission continue its work on the topics in its current programme;

7. *Notes with appreciation* the work done by the International Law Commission at its fifty-second session on the topic "International liability for injurious consequences arising out of acts not prohibited by international law", and requests the Commission to resume consideration of the liability aspects of the topic as soon as the second reading of the draft articles on the prevention of transboundary damage from hazardous activities is completed, bearing in mind the interrelationship between the prevention and the liability aspects of the topic and taking into account developments in international law and comments by Governments;

8. *Takes note* of paragraphs 726 to 733 of the report of the Commission with regard to its long-term programme of work and the syllabuses on new topics annexed to the report;

9. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity;

10. *Takes note* of paragraphs 734 and 735 of the report with regard to the length, nature and place of future sessions of the Commission in which specific recommendations are suggested to continue to increase the efficiency and productivity of its work, to facilitate the attendance by its members and to enhance the relationship between the Commission and the Sixth Committee;

11. *Also takes note* of paragraph 736 of the report and decides that the next session of the International Law Commission shall be held at the United Nations Office at Geneva from 23 April to 1 June and from 2 July to 10 August 2001;

12. *Stresses* the desirability of further enhancing the dialogue between the International Law Commission and the Sixth Committee and, in this context, encourages, inter alia, the holding of informal discussions between the members of the Sixth Committee and those members of the International Law Commission attending the fifty-sixth session of the General Assembly;

13. *Reiterates* its request in paragraph 11 of its resolution 54/111 of 9 December 1999, and emphasizes the need to implement cost-saving measures such as those described in paragraph 639 of the report of the Commission on the work of its fifty-first session;[4]

14. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

15. *Also requests* the International Law Commission to continue the implementation of article 16, paragraph (e), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation, and in that regard takes note with appreciation of comments made by the Commission in paragraphs 737 to 741 of its report;

16. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

17. *Reaffirms* its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

18. *Notes with appreciation* the inclusion of information about the work of the International Law Commission on its web site;[5]

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[4] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 10* (A/54/10).

[5] The Internet address of the International Law Commission is www.un.org/law/ilc/index.htm.

19. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend those seminars, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

20. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

21. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-fifth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

22. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session and the draft articles adopted on either first or second reading by the Commission;

23. *Recommends* that the debate on the report of the International Law Commission at the fifty-sixth session of the General Assembly commence on 29 October 2001.

United Nations A/55/610

General Assembly

Distr.: General
28 November 2000

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Fifty-fifth session
Agenda item 160

Nationality of natural persons in relation to the succession of States

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Nationality of natural persons in relation to the succession of States" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/112 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 31st meeting, on 16 November. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/55/SR.31).

II. Consideration of draft resolution A/C.6/55/L.16

4. At the 31st meeting, on 16 November, the representative of Ecuador introduced a draft resolution entitled "Nationality of natural persons in relation to the succession of States".

5. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.16 without a vote (see para. 7).

6. Before the adoption of the draft resolution, the representative of Slovenia made a statement in explanation of position (see A/C.6/55/SR.31).

00-77031 (E) 051200

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Nationality of natural persons in relation to the succession of States

The General Assembly,

Having considered chapter IV of the report of the International Law Commission on the work of its fifty-first session,[1] which contains final draft articles on nationality of natural persons in relation to the succession of States,

Noting that the International Law Commission decided to recommend the draft articles to the General Assembly for their adoption in the form of a declaration,

Recalling its resolution 54/112 of 9 December 1999, in which it decided to consider at its fifty-fifth session the draft articles on nationality of natural persons in relation to the succession of States with a view to their adoption as a declaration,

Considering that the work of the International Law Commission on nationality of natural persons in relation to the succession of States would provide a useful guide for practice in dealing with this issue,

Acknowledging that the work of the International Law Commission on this topic could contribute to the elaboration of a convention or other appropriate instrument in the future, and reiterating its invitation, contained in its resolution 54/112, for Governments to submit comments and observations on the question of a convention on nationality of natural persons in relation to the succession of States,

1. *Expresses its appreciation* to the International Law Commission for its valuable work on nationality of natural persons in relation to the succession of States;

2. *Takes note* of the articles on nationality of natural persons in relation to the succession of States, presented by the International Law Commission in the form of a declaration, the text of which is annexed to the present resolution;

3. *Invites* Governments to take into account, as appropriate, the provisions contained therein in dealing with issues of nationality of natural persons in relation to the succession of States;

4. *Recommends* that all efforts be made for the wide dissemination of the text of these articles;

5. *Decides* to include in the provisional agenda of its fifty-ninth session an item entitled "Nationality of natural persons in relation to the succession of States".

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[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 10* and corrigenda (A/54/10 and Corr.1 and 2).

Annex

Nationality of natural persons in relation to the succession of States

Preamble

Considering that problems of nationality arising from succession of States concern the international community,

Emphasizing that nationality is essentially governed by internal law within the limits set by international law,

Recognizing that in matters concerning nationality, due account should be taken both of the legitimate interests of States and those of individuals,

Recalling that the Universal Declaration of Human Rights of 1948[2] proclaimed the right of every person to a nationality,

Recalling also that the International Covenant on Civil and Political Rights of 1966[3] and the Convention on the Rights of the Child of 1989[4] recognize the right of every child to acquire a nationality,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by a succession of States must be fully respected,

Bearing in mind the provisions of the Convention on the Reduction of Statelessness of 1961,[5] the Vienna Convention on Succession of States in Respect of Treaties of 1978[6] and the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts of 1983,[7]

Convinced of the need for the codification and progressive development of the rules of international law concerning nationality in relation to the succession of States as a means for ensuring greater juridical security for States and for individuals,

Part I. General provisions

Article 1
Right to a nationality

Every individual who, on the date of the succession of States, had the nationality of the predecessor State, irrespective of the mode of acquisition of that nationality, has the right to the nationality of at least one of the States concerned, in accordance with the present articles.

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[2] Resolution 217 A (III).
[3] Resolution 2200 A (XXI), annex.
[4] Resolution 44/25, annex.
[5] United Nations, *Treaty Series*, vol. 989, No. 14498.
[6] See A/CONF.80/31.
[7] See A/CONF.117/14.

Article 2
Use of terms

For the purposes of the present articles:

(a) "Succession of States" means the replacement of one State by another in the responsibility for the international relations of territory;

(b) "Predecessor State" means the State which has been replaced by another State on the occurrence of a succession of States;

(c) "Successor State" means the State which has replaced another State on the occurrence of a succession of States;

(d) "State concerned" means the predecessor State or the successor State, as the case may be;

(e) "Third State" means any State other than the predecessor State or the successor State;

(f) "Person concerned" means every individual who, on the date of the succession of States, had the nationality of the predecessor State and whose nationality may be affected by such succession;

(g) "Date of the succession of States" means the date upon which the successor State replaced the predecessor State in the responsibility for the international relations of the territory to which the succession of States relates.

Article 3
Cases of succession of States covered by the present articles

The present articles apply only to the effects of a succession of States occurring in conformity with international law and, in particular, with the principles of international law embodied in the Charter of the United Nations.

Article 4
Prevention of statelessness

States concerned shall take all appropriate measures to prevent persons who, on the date of the succession of States, had the nationality of the predecessor State from becoming stateless as a result of such succession.

Article 5
Presumption of nationality

Subject to the provisions of the present articles, persons concerned having their habitual residence in the territory affected by the succession of States are presumed to acquire the nationality of the successor State on the date of such succession.

Article 6
Legislation on nationality and other connected issues

Each State concerned should, without undue delay, enact legislation on nationality and other connected issues arising in relation to the succession of States consistent with the provisions of the present articles. It should take all appropriate

measures to ensure that persons concerned will be apprised, within a reasonable time period, of the effect of its legislation on their nationality, of any choices they may have thereunder, as well as of the consequences that the exercise of such choices will have on their status.

Article 7
Effective date

The attribution of nationality in relation to the succession of States, as well as the acquisition of nationality following the exercise of an option, shall take effect on the date of such succession, if persons concerned would otherwise be stateless during the period between the date of the succession of States and such attribution or acquisition of nationality.

Article 8
Persons concerned having their habitual residence in another State

1. A successor State does not have the obligation to attribute its nationality to persons concerned who have their habitual residence in another State and also have the nationality of that or any other State.

2. A successor State shall not attribute its nationality to persons concerned who have their habitual residence in another State against the will of the persons concerned unless they would otherwise become stateless.

Article 9
Renunciation of the nationality of another State as a condition for attribution of nationality

When a person concerned who is qualified to acquire the nationality of a successor State has the nationality of another State concerned, the former State may make the attribution of its nationality dependent on the renunciation by such person of the nationality of the latter State. However, such requirement shall not be applied in a manner which would result in rendering the person concerned stateless, even if only temporarily.

Article 10
Loss of nationality upon the voluntary acquisition of the nationality of another State

1. A predecessor State may provide that persons concerned who, in relation to the succession of States, voluntarily acquire the nationality of a successor State shall lose its nationality.

2. A successor State may provide that persons concerned who, in relation to the succession of States, voluntarily acquire the nationality of another successor State or, as the case may be, retain the nationality of the predecessor State shall lose its nationality acquired in relation to such succession.

Article 11
Respect for the will of persons concerned

1. States concerned shall give consideration to the will of persons concerned whenever those persons are qualified to acquire the nationality of two or more States concerned.

2. Each State concerned shall grant a right to opt for its nationality to persons concerned who have appropriate connection with that State if those persons would otherwise become stateless as a result of the succession of States.

3. When persons entitled to the right of option have exercised such right, the State whose nationality they have opted for shall attribute its nationality to such persons.

4. When persons entitled to the right of option have exercised such right, the State whose nationality they have renounced shall withdraw its nationality from such persons, unless they would thereby become stateless.

5. States concerned should provide a reasonable time limit for the exercise of the right of option.

Article 12
Unity of a family

Where the acquisition or loss of nationality in relation to the succession of States would impair the unity of a family, States concerned shall take all appropriate measures to allow that family to remain together or to be reunited.

Article 13
Child born after the succession of States

A child of a person concerned, born after the date of the succession of States, who has not acquired any nationality, has the right to the nationality of the State concerned on whose territory that child was born.

Article 14
Status of habitual residents

1. The status of persons concerned as habitual residents shall not be affected by the succession of States.

2. A State concerned shall take all necessary measures to allow persons concerned who, because of events connected with the succession of States, were forced to leave their habitual residence on its territory to return thereto.

Article 15
Non-discrimination

States concerned shall not deny persons concerned the right to retain or acquire a nationality or the right of option upon the succession of States by discriminating on any ground.

Article 16
Prohibition of arbitrary decisions concerning nationality issues

Persons concerned shall not be arbitrarily deprived of the nationality of the predecessor State, or arbitrarily denied the right to acquire the nationality of the successor State or any right of option, to which they are entitled in relation to the succession of States.

Article 17
Procedures relating to nationality issues

Applications relating to the acquisition, retention or renunciation of nationality or to the exercise of the right of option, in relation to the succession of States, shall be processed without undue delay. Relevant decisions shall be issued in writing and shall be open to effective administrative or judicial review.

Article 18
Exchange of information, consultation and negotiation

1. States concerned shall exchange information and consult in order to identify any detrimental effects on persons concerned with respect to their nationality and other connected issues regarding their status as a result of the succession of States.

2. States concerned shall, when necessary, seek a solution to eliminate or mitigate such detrimental effects by negotiation and, as appropriate, through agreement.

Article 19
Other States

1. Nothing in the present articles requires States to treat persons concerned having no effective link with a State concerned as nationals of that State, unless this would result in treating those persons as if they were stateless.

2. Nothing in the present articles precludes States from treating persons concerned, who have become stateless as a result of the succession of States, as nationals of the State concerned whose nationality they would be entitled to acquire or retain, if such treatment is beneficial to those persons.

Part II. Provisions relating to specific categories of succession of States

Section 1
Transfer of part of the territory

Article 20
Attribution of the nationality of the successor State and withdrawal of the nationality of the predecessor State

When part of the territory of a State is transferred by that State to another State, the successor State shall attribute its nationality to the persons concerned who have their habitual residence in the transferred territory and the predecessor State shall withdraw its nationality from such persons, unless otherwise indicated by the exercise of the right of option which such persons shall be granted. The predecessor

State shall not, however, withdraw its nationality before such persons acquire the nationality of the successor State.

Section 2
Unification of States

Article 21
Attribution of the nationality of the successor State

Subject to the provisions of article 8, when two or more States unite and so form one successor State, irrespective of whether the successor State is a new State or whether its personality is identical to that of one of the States which have united, the successor State shall attribute its nationality to all persons who, on the date of the succession of States, had the nationality of a predecessor State.

Section 3
Dissolution of a State

Article 22
Attribution of the nationality of the successor States

When a State dissolves and ceases to exist and the various parts of the territory of the predecessor State form two or more successor States, each successor State shall, unless otherwise indicated by the exercise of a right of option, attribute its nationality to:

(a) Persons concerned having their habitual residence in its territory; and

(b) Subject to the provisions of article 8:

(i) Persons concerned not covered by subparagraph (a) having an appropriate legal connection with a constituent unit of the predecessor State that has become part of that successor State;

(ii) Persons concerned not entitled to a nationality of any State concerned under subparagraphs (a) and (b) (i) having their habitual residence in a third State, who were born in or, before leaving the predecessor State, had their last habitual residence in what has become the territory of that successor State or having any other appropriate connection with that successor State.

Article 23
Granting of the right of option by the successor States

1. Successor States shall grant a right of option to persons concerned covered by the provisions of article 22 who are qualified to acquire the nationality of two or more successor States.

2. Each successor State shall grant a right to opt for its nationality to persons concerned who are not covered by the provisions of article 22.

Section 4
Separation of part or parts of the Territory

Article 24
Attribution of the nationality of the successor State

When part or parts of the territory of a State separate from that State and form one or more successor States while the predecessor State continues to exist, a successor State shall, unless otherwise indicated by the exercise of a right of option, attribute its nationality to:

(a) Persons concerned having their habitual residence in its territory; and

(b) Subject to the provisions of article 8:

(i) Persons concerned not covered by subparagraph (a) having an appropriate legal connection with a constituent unit of the predecessor State that has become part of that successor State;

(ii) Persons concerned not entitled to a nationality of any State concerned under subparagraphs (a) and (b) (i) having their habitual residence in a third State, who were born in or, before leaving the predecessor State, had their last habitual residence in what has become the territory of that successor State or having any other appropriate connection with that successor State.

Article 25
Withdrawal of the nationality of the predecessor State

1. The predecessor State shall withdraw its nationality from persons concerned qualified to acquire the nationality of the successor State in accordance with article 24. It shall not, however, withdraw its nationality before such persons acquire the nationality of the successor State.

2. Unless otherwise indicated by the exercise of a right of option, the predecessor State shall not, however, withdraw its nationality from persons referred to in paragraph 1 who:

(a) Have their habitual residence in its territory;

(b) Are not covered by subparagraph (a) and have an appropriate legal connection with a constituent unit of the predecessor State that has remained part of the predecessor State;

(c) Have their habitual residence in a third State, and were born in or, before leaving the predecessor State, had their last habitual residence in what has remained part of the territory of the predecessor State or have any other appropriate connection with that State.

Article 26
Granting of the right of option by the predecessor and the successor States

Predecessor and successor States shall grant a right of option to all persons concerned covered by the provisions of articles 24 and 25, paragraph 2, who are qualified to have the nationality of both the predecessor and successor States or of two or more successor States.

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General Assembly

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Fifty-fifth session
Agenda item 161

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/104 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 30th meeting, on 15 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/55/SR.30).

4. For its consideration of the item, the Committee had before it the report of the Committee on Relations with the Host Country.[1]

5. At the 30th meeting, on 15 November, the Chairman of the Committee on Relations with the Host Country introduced the report of the Committee (see A/C.6/55/SR.30).

II. Consideration of draft resolution A/C.6/54/L.9

6. At the 30th meeting, on 15 November, the representative of Cyprus, on behalf of Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus, subsequently joined by

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 26* (A/55/26).

00-76983 (E) 041200

France and Spain, introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/55/L.9).

7. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.9 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[2]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[3] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[4] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 62 of its report;[2]

2. *Notes* that the Committee has taken note of the opinion of the Legal Counsel of 1 September 2000 concerning the issuance of visas to participants in United Nations-related meetings and that, in this connection, the Committee has recommended that the host country take that opinion into consideration in the future;

3. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions;

4. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

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[2] Ibid.

[3] General Assembly resolution 22 A (I).

[4] See General Assembly resolution 169 (II).

5. *Notes* that during the reporting period the travel controls previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect, and requests the host country to consider removing such travel controls, and in this regard notes the positions of affected States, of the Secretary-General and of the host country;

6. *Also notes* that the Committee anticipates that the host country will continue to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,[4] inter alia, for the purpose of their attending official United Nations meetings;

7. *Requests* the host country to continue to take steps to resolve the problem relating to the parking of diplomatic vehicles in a fair, balanced and non-discriminatory way, with a view to responding to the growing needs of the diplomatic community, and to continue to consult with the Committee on this important issue;

8. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

9. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

10. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Report of the Committee on Relations with the Host Country".

United Nations A/55/611/Corr.1

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Arabic, English, French and Spanish only

Fifty-fifth session
Agenda item 161

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

Corrigendum

The heading for chapter II *should read*

Consideration of draft resolution A/C.6/55/L.9

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Fifty-fifth session
Agenda item 162

Establishment of the International Criminal Court

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Establishment of the International Criminal Court" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/105 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 9th, 11th to 13th and 30th meetings, from 18 to 20 October and on 15 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.9, 11-13 and 30).

4. At the 9th meeting, on 18 October, the Legal Counsel made a statement in compliance with paragraph 8 of General Assembly resolution 54/105 (see A/C.6/55/SR.9).

II. Consideration of draft resolution A/C.6/55/L.11

5. At the 30th meeting, on 15 November, the representative of the Netherlands introduced a draft resolution entitled "Establishment of the International Criminal Court" (A/C.6/55/L.11).

6. At the same meeting, the Secretary of the Committee made a statement regarding the financial implications of the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.11 without a vote (see para. 8).

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III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Establishment of the International Criminal Court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997, 53/105 of 8 December 1998 and 54/105 of 9 December 1999,

Noting that the Rome Statute of the International Criminal Court was adopted on 17 July 1998[1] and is open for signature in New York at United Nations Headquarters until 31 December 2000, and taking note of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court done at Rome on 17 July 1998,[2]

Recalling the Millennium Declaration,[3] adopted at the Millennium Assembly, in which heads of State and Government stressed the importance of the International Criminal Court,

Noting in particular that the Conference decided to establish a Preparatory Commission for the Court,[4] and that the Commission held three sessions in 1999, from 16 to 26 February, 26 July to 13 August and 29 November to 17 December, and three sessions in 2000, from 13 to 31 March, 12 to 30 June and 27 November to 8 December,

Bearing in mind the mandate of the Preparatory Commission, as set out in resolution F adopted by the Conference, with regard to the preparation of proposals for practical arrangements for the establishment and coming into operation of the Court,

Recalling, with regard to future work of the Preparatory Commission and related working groups, the decision agreed upon by the Commission, referred to in paragraph 14 of the summary of the proceedings of its fifth session,[5] to establish three new working groups, in addition to the working group on the crime of aggression,

Recognizing the continuing need for making available adequate resources and secretariat services to the Preparatory Commission in order to enable it to discharge its functions efficiently and expeditiously,

Emphasizing the need to make the necessary arrangements for the commencement of the functions of the International Criminal Court in order to ensure its effective operation,

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[1] A/CONF.183/9.
[2] A/CONF.183/10.
[3] Resolution 55/2.
[4] A/CONF.183/10, annex I, resolution F.
[5] PCNICC/2000/L.3/Rev.1.

Noting that a growing number of States have deposited their instruments of ratification and that a significant number of States have signed the Statute,

1. *Reiterates* the historic significance of the adoption of the Rome Statute of the International Criminal Court;[1]

2. *Calls upon* all States to consider signing, ratifying or acceding to the Rome Statute of the International Criminal Court, as appropriate, and encourages efforts aimed at promoting awareness of the results of the Conference and of the provisions of the Statute;

3. *Welcomes* the important work accomplished by the Preparatory Commission in the completion of the part of the mandate relating to the draft texts of the rules of procedure and evidence and the elements of crimes, as required under resolution F, and notes in this respect the importance of the growing participation in the work of the working group on the crime of aggression;

4. *Requests* the Secretary-General to reconvene the Preparatory Commission, in accordance with resolution F, from 26 February to 9 March 2001 and from 24 September to 5 October 2001, to continue to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court;

5. *Also requests* the Secretary-General to make available to the Preparatory Commission secretariat services, including the preparation of working documents if so requested by the Commission, to enable it to perform its functions;

6. *Further requests* the Secretary-General to invite, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions,[6] to participate in the capacity of observers in its sessions and work, and also to invite as observers to the Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda;

7. *Notes* that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates;

8. *Encourages* States to make voluntary contributions to the trust funds established pursuant to General Assembly resolutions 51/207 and 52/160, the mandates of which were expanded pursuant to Assembly resolution 53/105, towards meeting the costs of the participation in the work of the Preparatory Commission of the least developed countries and of those developing countries not covered by the trust fund established pursuant to resolution 51/207;

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[6] Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10 and 54/195.

9. *Requests* the Secretary-General to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution;

10. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Establishment of the International Criminal Court".

United Nations A/55/613

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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/106 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 5th to 8th and 33rd meetings, from 11 to 13 and on 16 October and 17 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.5-8 and 33).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[1]

(b) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council* (A/55/340);

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 33* (A/55/33).

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(c) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/55/295 and Add.1);

(d) Letter dated 11 July 2000 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan to the United Nations addressed to the Secretary-General (A/55/133-S/2000/682).

II. Consideration of proposals

A. Draft resolution A/C.6/55/L.7

5. At the 33rd meeting, on 17 November, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/55/L.7).

6. In introducing the draft resolution, the representative of Egypt orally revised it as follows:

(a) In footnote 2 (former footnote 1), the reference "*Official Records of the General Assembly, Fifty-second Session, Supplement No. 47* (A/52/47)" was replaced by the reference "*Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 47* (A/54/47)";

(b) The eighth preambular paragraph, which had read:

"*Considering* the desirability of finding practical ways and means of strengthening the Court",

was replaced by the following:

"*Considering* the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its increased workload";

(c) In operative paragraph 2, the year "2000" was replaced by the year "2001";

(d) In footnote 5 (former footnote 4), a reference to document A/54/384 and Add.1 was inserted between the references to documents A/53/312 and A/55/295.

7. At the same meeting, the Chairman made a statement concerning operative paragraph 3 (b) of the draft resolution (see A/C.6/55/SR.33).

8. Also at the same meeting, the Committee adopted draft resolution A/C.6/55/L.7, as orally revised, without a vote (see para. 14, draft resolution I).

9. The representative of Colombia made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/55/SR.33).

B. Draft resolutions A/C.6/55/L.3 and Rev.1

10. At the 8th meeting, on 16 October, the representative of the Russian Federation, on behalf of Bulgaria, the Russian Federation and Ukraine, introduced a draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/55/L.3), which read:

"*The General Assembly*,

"*Concerned* about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

"*Recalling* the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

"*Recognizing* the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

"*Recalling*:

"(a) The report of the Secretary-General entitled 'An Agenda for Peace', in particular paragraph 41 thereof,

"(b) Its resolution 47/120 A of 18 December 1992, entitled 'An Agenda for Peace: preventive diplomacy and related matters', its resolution 47/120 B of 20 September 1993, entitled 'An Agenda for Peace', in particular section IV thereof, entitled 'Special economic problems arising from the implementation of preventive or enforcement measures' and its resolution 51/242 of 15 September 1997, entitled 'Supplement to an Agenda for Peace', in particular annex II thereof, entitled 'Question of sanctions imposed by the United Nations',

"(c) The position paper of the Secretary-General entitled 'Supplement to an Agenda for Peace',

"(d) The statement by the President of the Security Council of 22 February 1995,

"(e) The report of the Secretary-General prepared pursuant to the statement by the President of the Security Council regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

"(f) The annual overview reports of the Administrative Committee on Coordination for the period from 1992 to 2000, in particular the sections on 'Assistance to countries invoking Article 50 of the Charter of the United Nations' contained therein,

"(g) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996, 52/169 H of 16 December 1997 and 54/96 G of 15 December 1999,

"(h) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 2000,

"(i) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,

"(j) The report of the Secretary-General to the Millennium Assembly of the United Nations, in particular section IV.E thereof, entitled 'Targeting sanctions',

"(k) The United Nations Millennium Declaration, in particular paragraph 9 thereof,

"*Taking note* of the most recent report of the Secretary-General, submitted in accordance with General Assembly resolution 54/107 of 9 December 1999,

"*Taking note also* of the report of the Office of Internal Oversight Services on the in-depth evaluation of the United Nations programmes on global development trends, issues and policies, and global approaches to social and microeconomic issues and policies, and the corresponding subprogrammes in the regional commissions, in particular recommendation 3 contained therein, as approved by the Committee for Programme and Coordination, at its fortieth session,

"*Recalling* that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly, the Security Council, the Economic and Social Council and their subsidiary organs,

"*Recalling also* the measures taken by the Security Council in accordance with the statement by the President of the Security Council of 16 December 1994 that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

"*Recalling further* the measures taken by the Security Council in accordance with the note by the President of the Security Council of 29 January 1999 aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of the sanctions committees,

"*Stressing* that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

"*Stressing also*, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

"*Recalling* that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

"*Recognizing* that the imposition of sanctions under Chapter VII of the Charter has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems effectively,

"*Taking into consideration* the views of third States which could be affected by the imposition of sanctions,

"*Recognizing* that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

"*Recognizing also* that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economy of those States,

"*Recalling* the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998 and 54/107 of 9 December 1999,

"1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

"2. *Welcomes* the measures taken by the Security Council since the adoption of General Assembly resolution 50/51, most recently the note by the President of the Security Council of 17 April 2000, whereby the members of the Security Council decided to establish an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looks forward to the findings of the working group, in particular regarding the issues of unintended impacts of sanctions and assistance to States in implementing sanctions, and strongly recommends that the Council continue its efforts to further enhance the functioning of the sanctions committees, to streamline their working

procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

"3. *Requests* the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208, 52/162, 53/107 and 54/107 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

"4. *Welcomes* the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States, and renews its invitation to States and relevant international organizations within and outside the United Nations system which have not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

"5. *Renews its request* to the Secretary-General to present to the General Assembly his further views on the deliberations and main findings, including the recommendations, of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, taking into account the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as well as the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions;

"6. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

"7. *Takes note* of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue consideration of the question of assistance to third States affected by the application of sanctions, invites the Council, at its organizational session for 2001, to make appropriate arrangements for this purpose within its programme of work for 2001, and decides to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, together with the relevant background materials, to the Council at its substantive session of 2001;

"8. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

"9. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 2001, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all of the related reports of the Secretary-General, in particular the 1998 report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162, together with the most recent report of the Secretary-General on this question, the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions, the proposals submitted on the question, the debate on the question in the Sixth Committee during the fifty-fifth session of the Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, as well as the implementation of the provisions of Assembly resolutions 50/51, 51/208, 52/162, 53/107 and 54/107 and the present resolution;

"10. *Decides* to establish, within the Sixth Committee, a working group of the Committee, during the fifty-sixth session of the General Assembly, to consider further progress in the elaboration of effective measures aimed at the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

"11. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-sixth session, under the agenda item entitled 'Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization'."

11. At the 33rd meeting, on 17 November, the representative of Nigeria and coordinator of informal consultations introduced a revised draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/55/L.3/Rev.1), which he orally revised by replacing, in operative paragraph 10, the words "the working group of the Committee" by the words "a working group of the Committee".

12. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.3/Rev.1, as orally revised, without a vote (see para. 14, draft resolution II).

13. The representative of Hungary made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/55/SR.33).

III. Recommendations of the Sixth Committee

14. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,[2]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolutions 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Considering the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its increased workload,

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*,[3]

Recalling its resolution 54/106 of 9 December 1999,

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[2] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 47* (A/54/47).
[3] A/55/340.

Having considered the report of the Special Committee on the work of its session held in 2000,[4]

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[4]

2. *Decides* that the Special Committee shall hold its next session from 2 to 12 April 2001;

3. *Requests* the Special Committee, at its session in 2001, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2001;

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration the reports of the Secretary-General,[5] the proposals submitted on this subject, the debate on the question which was held by the Sixth Committee at the fifty-fifth session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, and also the implementation of the provisions of General Assembly resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998 and 54/107 of 9 December 1999;

(c) To continue its work on the question of the peaceful settlement of disputes between States and, in this context, to continue its consideration of proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with General Assembly resolution 50/55,[6] the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform"[7] and the views expressed by States on this subject at the previous sessions of the General Assembly;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

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[4] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 33* (A/55/53).

[5] A/48/573-S/26705 (see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*), A/49/356, A/50/60-S/1995/1 (ibid., *Fiftieth Year, Supplement for January, February and March 1995*), A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/384 and Add.1 and A/55/295 and Add.1.

[6] A/50/1011.

[7] A/51/950 and Add.1-7.

4. *Takes note* of subparagraphs (a) to (h) of paragraph 33 of the report of the Secretary-General,[3] commends the Secretary-General for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorses the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*;

5. *Invites* the Special Committee at its session in 2001 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, to discuss how to offer its assistance to the working groups of the General Assembly in this field and, in this regard, to consider ways and means of improving coordination between the Special Committee and other working groups dealing with the reform of the Organization, including the role of the Chairperson of the Special Committee for this purpose;

6. *Requests* the Special Committee to submit a report on its work to the General Assembly at the fifty-sixth session;

7. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution II
Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace",[8] in particular paragraph 41 thereof,

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof,

[8] A/47/277-S/24111; see *Official Records of the Security Council, Forty-seventh Year, Supplement for April, May and June 1992*, document S/24111.

entitled "Special economic problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereof, entitled "Question of sanctions imposed by the United Nations",

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace",[9]

(d) The statement by the President of the Security Council of 22 February 1995,[10]

(e) The report of the Secretary-General[11] prepared pursuant to the statement by the President of the Security Council[12] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

(f) The annual overview reports of the Administrative Committee on Coordination for the period from 1992 to 2000,[13] in particular the sections on "Assistance to countries invoking Article 50 of the Charter of the United Nations" contained therein,

(g) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia[14] and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996, 52/169 H of 16 December 1997 and 54/96 G of 15 December 1999,

(h) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 2000,[15]

(i) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,[16]

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[9] A/50/60-S/1995/1; see *Official Records of the Security Council, Fiftieth Year, Supplement for January, February and March 1995*, document S/1995/1.

[10] S/PRST/1995/9; see *Resolutions and Decisions of the Security Council, 1995*.

[11] A/48/573-S/26705; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26705.

[12] S/25036; see *Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992*, document S/25036.

[13] E/1993/81, E/1994/19, E/1995/21, E/1996/18 and Add.1, E/1997/54 and Corr.1, E/1998/21, E/1999/48 and E/2000/53.

[14] A/49/356, A/50/423, A/51/356, A/52/535 and A/54/534.

[15] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33* (A/49/33); ibid., *Fiftieth Session, Supplement No. 33* (A/50/33); ibid., *Fifty-first Session, Supplement No. 33* (A/51/33); ibid., *Fifty-second Session, Supplement No. 33* and corrigendum (A/52/33 and Corr.1); ibid., *Fifty-third Session, Supplement No. 33* (A/53/33); ibid., *Fifty-fourth Session, Supplement No. 33* and corrigendum (A/54/33 and Corr.1); and ibid., *Fifty-fifth Session, Supplement No. 33* (A/55/33).

[16] A/50/361, A/51/317, A/52/308, A/53/312, A/54/383 and A/55/295 and Add.1.

(j) The report of the Secretary-General to the Millennium Assembly of the United Nations,[17] in particular section IV.E thereof, entitled "Targeting sanctions",

(k) The United Nations Millennium Declaration,[18] in particular paragraph 9 thereof,

Taking note of the most recent report of the Secretary-General, submitted in accordance with General Assembly resolution 54/107 of 9 December 1999,[19]

Taking note also of the report of the Office of Internal Oversight Services on the in-depth evaluation of the United Nations programmes on global development trends, issues and policies, and global approaches to social and microeconomic issues and policies, and the corresponding subprogrammes in the regional commissions,[20] in particular recommendation 3 contained therein, as approved by the Committee for Programme and Coordination, at its fortieth session,[21]

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly, the Security Council, the Economic and Social Council and their subsidiary organs,

Recalling also the measures taken by the Security Council in accordance with the statement by the President of the Security Council of 16 December 1994[22] that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Recalling further the measures taken by the Security Council in accordance with the note by the President of the Security Council of 29 January 1999[23] aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of the sanctions committees,

Stressing that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

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[17] A/54/2000.

[18] General Assembly resolution 55/2.

[19] A/55/295 and Add.1.

[20] E/AC.51/2000/2.

[21] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 16* (A/55/16), chap. II.C.1, para. 243.

[22] See PRST/1994/81; see *Resolutions and Decisions of the Security Council, 1994*.

[23] S/1999/92; see *Resolutions and Decisions of the Security Council, 1999*.

Recognizing that the imposition of sanctions under Chapter VII of the Charter has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems effectively,

Taking into consideration the views of third States which could be affected by the imposition of sanctions,

Recognizing that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing also that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economy of those States,

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998 and 54/107 of 9 December 1999,

1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

2. *Welcomes* the measures taken by the Security Council since the adoption of General Assembly resolution 50/51, most recently the note by the President of the Security Council of 17 April 2000,[24] whereby the members of the Security Council decided to establish an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looks forward to the findings of the working group, in particular to those regarding the issues of unintended impacts of sanctions and assistance to States in implementing sanctions, and strongly recommends that the Council continue its efforts to further enhance the effectiveness and transparency of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. *Requests* the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208, 52/162, 53/107 and 54/107 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a

[24] S/2000/319.

possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

4. *Welcomes* the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States,[25] and renews its invitation to States and relevant international organizations within and outside the United Nations system which have not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

5. *Renews its request* to the Secretary-General to present to the General Assembly any further views that he may have, as appropriate, on the deliberations and main findings, including the recommendations, of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, taking into account the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as well as the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions;

6. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

7. *Takes note* of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue consideration of the question of assistance to third States affected by the application of sanctions, invites the Council, at its organizational session for 2001, to make appropriate arrangements for this purpose within its programme of work for 2001, and decides to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions,[19] together with the relevant background materials, to the Council at its substantive session of 2001;

8. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

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[25] See A/53/312, chap. IV.

9. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 2001, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all of the related reports of the Secretary-General, in particular the 1998 report[26] containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162, together with the most recent report of the Secretary-General on this question,[12] the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions, the proposals submitted on the question, the debate on the question in the Sixth Committee during the fifty-fifth session of the Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, as well as the implementation of the provisions of Assembly resolutions 50/51, 51/208, 52/162, 53/107 and 54/107 and the present resolution;

10. *Decides* to consider, within the Sixth Committee, or a working group of the Committee, at the fifty-sixth session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

11. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-sixth session, under the agenda item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[26] A/53/312.

United Nations A/55/613/Corr.1

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Agenda item 163

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Corrigendum

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

Paragraph 6 (d) and footnote 5

The references to document A/54/384 and Add.1 should read A/54/383 and Add.1.

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United Nations A/55/614

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Agenda item 164

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the fifty-fifth session of the General Assembly pursuant to Assembly resolution 54/110 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its fifty-fifth session and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 27th to 30th and 33rd to 36th meetings, on 13, 14, 15, 17, 21 and 22 November. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.27-30 and 33-36).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;[1]

(b) Report of the Secretary-General (A/55/179 and Add.1);

(c) Letter dated 2 May 2000 from the Permanent Representatives of Armenia and Georgia to the United Nations addressed to the Secretary-General (A/55/68-S/2000/377);

(d) Letter dated 19 June 2000 from the Permanent Representatives of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General, transmitting an appeal by the Heads of State of the States

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 37* (A/55/37).

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members of the Central Asian Economic Community on the situation in Afghanistan, adopted at Dushanbe on 14 June 2000 (A/55/86-S/2000/604);

(e) Letter dated 11 July 2000 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan to the United Nations addressed to the Secretary-General, transmitting, inter alia, the Dushanbe Declaration, signed on 5 July 2000 by the heads of State of China, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan (A/55/133-S/2000/682);

(f) Letter dated 18 July 2000 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General, transmitting the conclusions of the Ministers for Foreign Affairs of the Group of Eight, meeting at Miyazaki, Japan, on 13 July 2000 (A/55/162-S/2000/715);

(g) Letter dated 25 August 2000 from the Permanent Representatives of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General, transmitting a statement of the Heads of State of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan and the Special Representative of the President of the Russian Federation, adopted at Bishkek on 20 August 2000 (A/55/326-S/2000/834);

(h) Letter dated 20 September 2000 from the Permanent Representatives of Azerbaijan, Georgia, the Republic of Moldova, Ukraine and Uzbekistan to the United Nations addressed to the Secretary-General, transmitting, inter alia, the New York Memorandum, signed on 6 September 2000 by the Presidents of Azerbaijan, Georgia, the Republic of Moldova, Ukraine and Uzbekistan (A/55/434-S/2000/926);

(i) Letter dated 10 October 2000 from the Permanent Representatives of India and the Russian Federation to the United Nations addressed to the Secretary-General (A/55/473);

(j) Letter dated 31 October 2000 from the Permanent Representatives of Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan to the United Nations addressed to the Secretary-General, transmitting the statement by the Heads of State of Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan, signed at Bishkek on 11 October 2000, concerning threats to security in Central Asia (A/55/533-S/2000/1054);

(k) Letter dated 1 November 2000 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the annual coordinating meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference held in New York on 18 September 2000 (A/55/541-S/2000/1067);

(l) Letters dated 2 and 20 November 2000 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/55/540-S/2000/1065 and A/55/634-S/2000/1108);

(m) Working document submitted by India entitled "Draft comprehensive convention on international terrorism" (A/C.6/55/1);

(n) Report of the Working Group on measures to eliminate international terrorism (A/C.6/55/L.2).

5. Pursuant to paragraph 13 of General Assembly resolution 54/110 of 9 December 1999, the Committee, at its 2nd meeting, on 25 September, established a Working Group to begin consideration with a view to the elaboration of a comprehensive convention on international terrorism within a comprehensive legal framework of conventions dealing with international terrorism, as well as to continue the consideration of the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism and the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. At the same meeting, the Committee elected Rohan Perera (Sri Lanka) as its Chairman. The Working Group held 9 meetings, from 25 September to 6 October.

6. At the 27th meeting, on 13 November, the Chairman of the Working Group introduced the report of the Working Group, contained in document A/C.6/55/L.2 (see A/C.6/55/SR.27).

II. Consideration of draft resolution A/C.6/55/L.17

7. At the 36th meeting, on 22 November, the representative of Canada introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/55/L.17) and orally revised it as follows:

(a) In the second preambular paragraph, the word "relevant" was deleted;

(b) At the end of the seventh preambular paragraph, the words "in accordance with the principles of the Charter, international law and relevant international conventions" were added;

(c) At the end of the tenth preambular paragraph, the words "and other relevant initiatives" were added;

(d) In operative paragraph 3, after the words "in accordance with", the words "the Charter of the United Nations and" were added.

8. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.17, as orally revised, by a recorded vote of 131 votes to none, with 2 abstentions (see para. 11). The voting was as follows:[2]

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab

[2] The delegation of Zimbabwe subsequently indicated that, had it been present, it would have voted in favour.

Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Mali, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia.

Against:

None.

Abstaining:

Lebanon, Syrian Arab Republic.

9. Before the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the Syrian Arab Republic and Cuba; after the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Lebanon, Pakistan and the Islamic Republic of Iran (see A/C.6/55/SR.36).

10. Statements were also made by the representatives of the United States of America, Cuba, Israel, the Syrian Arab Republic and Lebanon (see A/C.6/55/SR.36).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all General Assembly and Security Council resolutions on measures to eliminate international terrorism,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[3]

Recalling also the United Nations Millennium Declaration,[4]

[3] See resolution 50/6.

[4] See resolution 55/2.

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Stressing the need to strengthen further international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and relevant international conventions,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 49/60 of 9 December 1994, wherein the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Taking note of the final document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held at Cartagena, Colombia, on 8 and 9 April 2000,[5] which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,[6] and other relevant initiatives,

Recalling its decision in resolution 54/110 of 9 December 1999 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Having examined the report of the Secretary-General,[7] the report of the Ad Hoc Committee[8] and the report of the Working Group of the Sixth Committee established pursuant to resolution 54/110,[9]

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

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[5] A/54/917-S/2000/580, annex.

[6] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[7] A/55/179 and Add.1.

[8] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 37* (A/55/37).

[9] A/C.6/55/L.2.

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call* upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (*a*) to (*f*) of resolution 51/210 of 17 December 1996;

4. *Also reiterates its call* upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

7. *Urges* all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant conventions and protocols as referred to in paragraph 6 of resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[10] and the International Convention for the Suppression of the Financing of Terrorism,[11] and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

8. *Notes with appreciation and satisfaction* that, during the fifty-fourth session of the General Assembly and the Millennium Assembly, a number of States became parties to the relevant conventions and protocols referred to in paragraph 7 above, thereby realizing the objective of wider acceptance and implementation of these conventions;

9. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to implement them;

10. *Welcomes* the efforts of the Terrorism Prevention Branch of the Centre for International Crime Prevention in Vienna, after reviewing existing possibilities

[10] Resolution 52/164, annex.
[11] Resolution 54/109, annex.

within the United Nations system, to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism;

11. *Invites* States that have not yet done so to submit to the Secretary-General information on their national laws and regulations regarding the prevention and suppression of acts of international terrorism;

12. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism;

13. *Decides* that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 shall continue to elaborate a comprehensive convention on international terrorism and shall continue its efforts to resolve the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism, and that it shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

14. *Decides* that the Ad Hoc Committee shall meet from 12 to 23 February 2001 to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism,[9] that it will keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, and that the work shall continue during the fifty-sixth session of the General Assembly between 15 and 26 October 2001, within the framework of a working group of the Sixth Committee;

15. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

16. Requests the Ad Hoc Committee to report to the General Assembly at its fifty-fifth session in the event of the completion of the draft international convention for the suppression of acts of nuclear terrorism;

17. *Also requests* the Ad Hoc Committee to report to the General Assembly at its fifty-sixth session on progress made in the implementation of its mandate;

18. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Measures to eliminate international terrorism".

United Nations A/55/615

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Agenda item 165

Review of the Statute of the United Nations Administrative Tribunal

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Review of the Statute of the United Nations Administrative Tribunal" was included in the provisional agenda of the fifty-fifth session of the General Assembly in accordance with Assembly decision 54/429 of 9 December 1999.

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 8th and 31st meetings, on 16 October and 16 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.8 and 31).

II. Consideration of draft resolution A/C.6/55/L.18

4. At the 31st meeting, on 16 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of France, Ireland and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Review of the Statute of the United Nations Administrative Tribunal" (A/C.6/55/L.18).

5. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.18 without a vote (see para. 6).

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III. Recommendation of the Sixth Committee

6. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Review of the Statute of the United Nations Administrative Tribunal

The General Assembly,

Acknowledging with gratitude the important contribution which the United Nations Administrative Tribunal ("the Tribunal") has made to the functioning of the United Nations system and commending the members of the Tribunal on their valuable work,

Desiring to assist the Tribunal in carrying out its future work as effectively as possible,

Noting the report of the Joint Inspection Unit on the administration of justice at the United Nations,[1]

Noting also the need to consider the appropriateness of the establishment of an appeals mechanism in relation to the decisions of the Tribunal,

Recognizing that, in appointing members of the Tribunal, the General Assembly should take into account the need to ensure adequate representation on the Tribunal of the principal legal systems of the world and fair geographical representation, and bearing in mind the relevant provisions of the Charter of the United Nations,

1. *Decides* to amend the Statute of the United Nations Administrative Tribunal ("the Statute"), with effect from 1 January 2001, as follows:

(a) Article 3, paragraph 1, shall be amended to read as follows:

"The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Members shall possess the requisite qualifications and experience, including, as appropriate, legal qualifications and experience. Only three members shall sit in any particular case";

(b) Article 3, paragraph 2, shall be amended to read as follows:

"The members shall be appointed by the General Assembly for four years and may be reappointed once. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his or her predecessor's term, and may be reappointed once";

(c) A new article 8 shall be inserted, to read as follows:

"Where the three members of the Tribunal sitting in any particular case consider that the case raises a significant question of law, they may, at any time before they render judgement, refer the case for consideration by the whole Tribunal. The quorum for a hearing by the whole Tribunal shall be five members";

[1] See A/55/57.

(d) Former articles 8 to 13 of the Statute shall be renumbered 9 to 14, and references to those articles shall be amended accordingly;

(e) The pronouns "he" and "his", wherever they appear in the Statute, shall be amended to read "he or she" or "his or her", respectively;

(f) In article 7, paragraph 7, and in renumbered article 11, paragraph 4, references to "five official languages" shall be amended to read "six official languages";

2. *Also decides* that members serving on the Tribunal as at 1 January 2001 shall have their current term of office extended by one year, and that thereafter, provided that they have not served on the Tribunal for more than seven years, they may be reappointed once;

3. *Further decides* that the Statute, with effect from 1 January 2001, shall read as it appears in the annex to the present resolution.

Annex

Statute of the Administrative Tribunal of the United Nations

Article 1

A Tribunal is established by the present Statute to be known as the United Nations Administrative Tribunal.

Article 2

1. The Tribunal shall be competent to hear and pass judgement upon applications alleging non-observance of contracts of employment of staff members of the Secretariat of the United Nations or of the terms of appointment of such staff members. The words "contracts" and "terms of appointment" include all pertinent regulations and rules in force at the time of alleged non-observance, including the staff pension regulations.

2. The Tribunal shall be open:

(a) To any staff member of the Secretariat of the United Nations even after his or her employment has ceased, and to any person who has succeeded to the staff member's rights on his or her death;

(b) To any other person who can show that he or she is entitled to rights under any contract or terms of appointment, including the provisions of staff regulations and rules upon which the staff member could have relied.

3. In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by the decision of the Tribunal.

4. The Tribunal shall not be competent, however, to deal with any applications where the cause of complaint arose prior to 1 January 1950.

Article 3

1. The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Members shall possess the requisite qualifications

and experience, including, as appropriate, legal qualifications and experience. Only three members shall sit in any particular case.

2. The members shall be appointed by the General Assembly for four years and may be reappointed once. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his or her predecessor's term, and may be reappointed once.

3. The Tribunal shall elect its President and its two Vice-Presidents from among its members.

4. The Secretary-General shall provide the Tribunal with an Executive Secretary and such other staff as may be considered necessary.

5. No member of the Tribunal can be dismissed by the General Assembly unless the other members are of the unanimous opinion that he or she is unsuited for further service.

6. In case of a resignation of a member of the Tribunal, the resignation shall be addressed to the President of the Tribunal for transmission to the Secretary-General. This last notification makes the place vacant.

Article 4

The Tribunal shall hold ordinary sessions at dates to be fixed by its rules, subject to there being cases on its list which, in the opinion of the President, justify holding the session. Extraordinary sessions may be convoked by the President when required by the cases on the list.

Article 5

1. The Secretary-General of the United Nations shall make the administrative arrangements necessary for the functioning of the Tribunal.

2. The expenses of the Tribunal shall be borne by the United Nations.

Article 6

1. Subject to the provisions of the present Statute, the Tribunal shall establish its rules.

2. The rules shall include provisions concerning:

(a) Election of the President and Vice-Presidents;

(b) Composition of the Tribunal for its sessions;

(c) Presentation of applications and the procedure to be followed in respect to them;

(d) Intervention by persons to whom the Tribunal is open under paragraph 2 of article 2, whose rights may be affected by the judgement;

(e) Hearing, for purposes of information, of persons to whom the Tribunal is open under paragraph 2 of article 2, even though they are not parties to the case, and generally;

(f) Other matters relating to the functioning of the Tribunal.

Article 7

1. An application shall not be receivable unless the person concerned has previously submitted the dispute to the joint appeals body provided for in the Staff Regulations and the latter has communicated its opinion to the Secretary-General, except where the Secretary-General and the applicant have agreed to submit the application directly to the Administrative Tribunal.

2. In the event of the joint body's recommendations being favourable to the application submitted to it, and insofar as this is the case, an application to the Tribunal shall be receivable if the Secretary-General has:

(a) Rejected the recommendations;

(b) Failed to take any action within thirty days following the communication of the opinion;

(c) Failed to carry out the recommendations within thirty days following the communication of the opinion.

3. In the event that the recommendations made by the joint body and accepted by the Secretary-General are unfavourable to the applicant, and insofar as this is the case, the application shall be receivable, unless the joint body unanimously considers that it is frivolous.

4. An application shall not be receivable unless it is filed within ninety days reckoned from the respective dates and periods referred to in paragraph 2 above, or within ninety days reckoned from the date of the communication of the joint body's opinion containing recommendations unfavourable to the applicant. If the circumstance rendering the application receivable by the Tribunal, pursuant to paragraphs 2 and 3 above, is anterior to the date of announcement of the first session of the Tribunal, the time limit of ninety days shall begin to run from that date. Nevertheless, the said time limit on his or her behalf shall be extended to one year if the heirs of a deceased staff member or the trustee of a staff member who is not in a position to manage his or her own affairs, file the application in the name of the said staff member.

5. In any particular case, the Tribunal may decide to suspend the provisions regarding time limits.

6. The filing of an application shall not have the effect of suspending the execution of the decision contested.

7. Applications may be filed in any of the six official languages of the United Nations.

Article 8

Where the three members of the Tribunal sitting in any particular case consider that the case raises a significant question of law, they may, at any time before they render judgement, refer the case for consideration by the whole Tribunal. The quorum for a hearing by the whole Tribunal shall be five members.

Article 9

The oral proceedings of the Tribunal shall be held in public unless the Tribunal decides that exceptional circumstances require that they be held in private.

Article 10

1. If the Tribunal finds that the application is well founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked. At the same time, the Tribunal shall fix the amount of compensation to be paid to the applicant for the injury sustained should the Secretary-General, within thirty days of the notification of the judgement, decide, in the interest of the United Nations, that the applicant shall be compensated without further action being taken in his or her case, provided that such compensation shall not exceed the equivalent of two years' net base salary of the applicant. The Tribunal may, however, in exceptional cases, when it considers it justified, order the payment of a higher indemnity. A statement of the reasons for the Tribunal's decision shall accompany each such order.

2. Should the Tribunal find that the procedure prescribed in the Staff Regulations or Staff Rules has not been observed, it may, at the request of the Secretary-General and prior to the determination of the merits of the case, order the case remanded for institution or correction of the required procedure. Where a case is remanded, the Tribunal may order the payment of compensation, which is not to exceed the equivalent of three months' net base salary, to the applicant for such loss as may have been caused by the procedural delay.

3. In all applicable cases, compensation shall be fixed by the Tribunal and paid by the United Nations or, as appropriate, by the specialized agency participating under article 14.

Article 11

1. The Tribunal shall take all decisions by a majority vote.

2. Subject to the provisions of article 12, the judgements of the Tribunal shall be final and without appeal.

3. The judgements shall state the reasons on which they are based.

4. The judgements shall be drawn up, in any of the six official languages of the United Nations, in two originals, which shall be deposited in the archives of the Secretariat of the United Nations.

5. A copy of the judgement shall be communicated to each of the parties in the case. Copies shall also be made available on request to interested persons.

Article 12

The Secretary-General or the applicant may apply to the Tribunal for a revision of a judgement on the basis of the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgement was given, unknown to the Tribunal and also to the party claiming revision, always provided that such ignorance was not due to negligence. The application must be made within thirty days of the discovery of the fact and within one year of the date of the judgement.

Clerical or arithmetical mistakes in judgements, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Tribunal either of its own motion or on the application of any of the parties.

Article 13

The present Statute may be amended by decision of the General Assembly.

Article 14

1. The competence of the Tribunal shall be extended to the staff of the Registry of the International Court of Justice upon the exchange of letters between the President of the Court and the Secretary-General of the United Nations establishing the relevant conditions.

2. The Tribunal shall be competent to hear and pass judgement upon applications alleging non-observance of the regulations of the United Nations Joint Staff Pension Fund arising out of the decision of the United Nations Joint Staff Pension Board submitted to the Tribunal by:

(a) Any staff member of a member organization of the Pension Fund which has accepted the jurisdiction of the Tribunal in Pension Fund cases who is eligible under article 21 of the regulations of the Fund as a participant in the Fund, even if his or her employment has ceased, and any person who has acceded to such staff member's rights upon his or her death;

(b) Any other person who can show that he or she is entitled to rights under the regulations of the Pension Fund by virtue of the participation in the Fund of a staff member of such member organization.

3. The competence of the Tribunal may be extended to any specialized agency brought into relationship with the United Nations in accordance with the provisions of Articles 57 and 63 of the Charter upon the terms established by a special agreement to be made with each such agency by the Secretary-General of the United Nations. Each such special agreement shall provide that the agency concerned shall be bound by the judgements of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that agency and shall include, inter alia, provisions concerning the agency's participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing the expenses of the Tribunal.

4. The competence of the Tribunal may also be extended, with the approval of the General Assembly, to any other international organization or entity established by a treaty and participating in the common system of conditions of service, upon the terms set out in a special agreement between the organization or entity concerned and the Secretary-General of the United Nations. Each such special agreement shall provide that the organization or entity concerned shall be bound by the judgements of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that organization or entity and shall include, inter alia, provisions concerning its participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing the expenses of the Tribunal.

United Nations A/55/616

General Assembly

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Agenda item 171

Observer status for the Inter-American Development Bank in the General Assembly

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Observer status for the Inter-American Development Bank in the General Assembly" was included in the agenda of the fifty-fifth session at the request of Argentina (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States).

2. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 26th meeting, on 10 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/55/SR.26).

4. For its consideration of the item, the Committee had before it a letter dated 27 July 2000, from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/55/192).

II. Consideration of draft resolution A/C.6/55/L.13

5. At the 26th meeting, on 10 November, the representative of Brazil, on behalf of Argentina, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Peru, Portugal, Trinidad and Tobago, the United States of America, Uruguay and Venezuela, subsequently joined by France, Panama and Spain, introduced a draft resolution entitled "Observer status for the Inter-American

Development Bank in the General Assembly" (A/C.6/55/L.13). Saint Vincent and the Grenadines withdrew as a sponsor of the draft resolution.

6. At the same meeting, the Committee adopted draft resolution A/C.6/55/L.13 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Observer status for the Inter-American Development Bank in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the Inter-American Development Bank,

1. *Decides* to invite the Inter-American Development Bank to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

United Nations A/55/617

General Assembly

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Fifty-fifth session
Agenda item 172

Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly

Report of the Sixth Committee

Rapporteur: Mr. Drahoslav **Štefánek** (Slovakia)

I. Introduction

1. The item entitled "Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly" was included in the provisional agenda of the fifty-fifth session of the General Assembly at the request of Sweden, on behalf of the following States members of the International Institute for Democracy and Electoral Assistance: Australia, Barbados, Belgium, Botswana, Canada, Chile, Costa Rica, Denmark, Finland, India, Namibia, the Netherlands, Norway, Portugal, South Africa, Spain, Sweden and Uruguay.

2. At its 9th meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 26th, 32nd and 33rd meetings on 10, 16 and 17 November 2000. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/55/SR.26, 32 and 33).

4. For its consideration of the item, the Committee had before it a letter dated 14 August 2000 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General (A/55/226).

II. Consideration of draft decision A/C.6/55/L.14

5. At the 32nd meeting, on 16 November, the Chairman of the Committee introduced a draft decision entitled "Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly" (A/C.6/55/L.14) and orally amended it by deleting the phrase "and to include in the provisional agenda of that session the item entitled 'Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly'" at the end of the text.

6. At its 33rd meeting, on 17 November, the Committee adopted draft decision A/C.6/55/L.14, as orally amended, without a vote (see para. 8).

7. The representative of Sweden made a statement on behalf of the States members of the International Institute for Democracy and Electoral Assistance (see A/C.6/55/SR.33).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly

The General Assembly, on the recommendation of the Sixth Committee, decides to resume its consideration of and defer a decision on the request for observer status for the International Institute for Democracy and Electoral Assistance in the General Assembly[1] to its fifty-sixth session.